



## **COUNCIL CHAMBERS**

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

<b>COUNCIL MEMBERS</b>	<b>REDEVELOPMENT AGENCY</b>
Steve Tate, Mayor	Steve Tate, Chair
Larry Carr, Mayor Pro Tempore	Larry Carr, Vice-Chair
Mark Grzan, Council Member	Mark Grzan, Agency Member
Marby Lee, Council Member	Marby Lee, Agency Member
Greg Sellers, Council Member	Greg Sellers, Agency Member

**WEDNESDAY, JUNE 6, 2007**

**AGENDA**

**JOINT MEETING**

**CITY COUNCIL REGULAR MEETING**

**and**

**REDEVELOPMENT AGENCY REGULAR MEETING**

**7:00 P.M.**

**CALL TO ORDER**

(Mayor/Chairperson Tate)

**ROLL CALL ATTENDANCE**

(City Clerk/Agency Secretary Torrez)

**DECLARATION OF POSTING OF AGENDA**

**Per Government Code 54954.2**

(City Clerk/Agency Secretary Torrez)

**SILENT INVOCATION**

**PLEDGE OF ALLEGIANCE**

**PROCLAMATIONS**

**CERTIFICATES OF APPRECIATION**

Participation in "Public Works Awareness Day" Activities

*P.A. Walsh School*

*St. Catherine's School*

**RECOGNITIONS**

Outgoing Planning Commissioner

*Ralph Lyle*

Outgoing Architectural and Site Review Board Commissioner

*Jerry Pyle*

**CERTIFICATES OF RECOGNITION**

Exchange Club Blue & Gold Award for Outstanding Police Work

*Police Corporal Bill Norman*

*Police Reserve Officer Ken DeLuna*

**CITY COUNCIL REPORTS**

Council Member Lee

**CITY COUNCIL COMMITTEE REPORTS**

**CITY MANAGER'S REPORT**

**CITY ATTORNEY'S REPORT**

**OTHER REPORTS**

**PUBLIC COMMENT**

**NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.**

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME  
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND**

**PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE  
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY  
COUNCIL/REDEVELOPMENT AGENCY.**

***City Council and Redevelopment Agency Action***

**ADOPTION OF AGENDA**

## City Council Action

### CONSENT CALENDAR:

#### ITEMS 1-7

The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

#### Time Estimate

#### Page

Consent Calendar: 1 - 10 Minutes

1. **CITY SPORTS FIELD RESIDENT RATE CRITERIA** ..... 1  
Recommended Action(s): **Approve** the Revision of the Sports Field Resident Rate Criteria from 85 Percent to 60 Percent.
2. **PURCHASE OF PUBLIC WORKS VEHICLE** ..... 3  
Recommended Action(s):  
  1. **Authorize** Purchase of a Three-Yard Dump Truck Through the State of California General Services Procurement Process for a Total Cost of \$43,819; and
  2. **Declare** Vehicles as Surplus and **Authorize** Sale at Auction.
3. **AMENDMENT TO HOUSEHOLD HAZARDOUS WASTE COLLECTION SERVICES AGREEMENT** ..... 5  
Recommended Action(s): **Authorize** the City Manager to Execute the Amendment to the Agreement with the County; Subject to the Inclusion of Funding in the Adopted Fiscal Year 2007-2008 City Budget and the Review and Approval of the City Attorney.
4. **AMENDMENT TO COUNTYWIDE AB-939 IMPLEMENTATION FEE AGREEMENT** ..... 17  
Recommended Action(s): **Authorize** the City Manager to Execute the Amendment with the County; Subject to Review and Approval by the City Attorney.
5. **AMEND RESOLUTION REGARDING TEMPORARY AND SEASONAL EMPLOYEE COMPENSATION** ..... 25  
Recommended Action(s): **Amend** Resolution No. 6062 Regarding Temporary and Seasonal Employee Compensation.
6. **AMENDMENT OF COMMUNITY DEVELOPMENT DEPARTMENT CONSULTANT AGREEMENTS** ..... 29  
Recommended Action(s): **Authorize** the City Manager, Subject to Review and Approval by the City Attorney, to Execute the Amendments to Existing Community Development Department Agreements.
7. **ADOPT ORDINANCE NO. 1838, NEW SERIES** ..... 43  
Recommended Action(s): **Waive** the Reading, and **Adopt** Ordinance No. 1838, New Series, and **Declare** That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL, AMENDING CHAPTER 1.24 OF TITLE 1; AND AMENDING VARIOUS CHAPTERS [6.08.020, 6.08.030, 6.12.180 THROUGH 6.12.200, 6.24.030, 6.24.035, 6.28.010, 6.28.040, 6.32.080] OF TITLE 6; AND ADDING VARIOUS CHAPTERS [6.28.025, 6.28.035, AND 6.28.070 THROUGH 6.28.140] TO TITLE 6 AND DELETING CHAPTER 6.24.085 OF TITLE 6 OF THE MORGAN HILL MUNICIPAL CODE REGARDING POTENTIALLY DANGEROUS DOGS AND DANGEROUS AND VICIOUS ANIMALS, AS AMENDED.**

## ***Redevelopment Agency Action***

### **CONSENT CALENDAR:**

#### **ITEM 8**

**Time Estimate** **Page**  
**Consent Calendar: 1 - 10 Minutes**

8. **AWARD OF ULTRAVIOLET TREATMENT SYSTEMS PROJECT FOR THE AQUATICS CENTER AND COMMUNITY AND CULTURAL CENTER INTERACTIVE WATER FOUNTAINS** ..... 61  
**Recommended Action(s):**  
1. **Award** Contract in the Amount of \$118,861 to Knorr Systems, Inc. to Furnish and Install Two Ultraviolet Treatment Systems; and  
2. **Authorize** Expenditure of Construction Contingency Funds not to Exceed \$11,886.

## ***City Council and Redevelopment Agency Action***

### **CONSENT CALENDAR:**

#### **ITEM 9**

**Time Estimate** **Page**  
**Consent Calendar: 1 - 10 Minutes**

9. **APPROVE JOINT SPECIAL CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF MAY 18, 2007** ..... 69

## ***City Council Action***

### **PUBLIC HEARINGS:**

- Time Estimate** **Page**  
10. **10 Minutes** **2007 HAZARDOUS BRUSH PROGRAM COMMENCEMENT REPORT** .....71  
Public Hearing Opened.  
Please Limit Your Remarks to 3 Minutes. Public Hearing Closed  
Council Discussion.  
Action- **Accept** 2007 Hazardous Brush Program Commencement Report.

## ***City Council and Redevelopment Agency Action***

### **PUBLIC HEARINGS:**

- Time Estimate** **Page**  
11. **30 Minutes** **PUBLIC HEARING ON PROPOSED FISCAL YEAR 2007-2008 OPERATING AND CAPITAL IMPROVEMENT PROGRAM BUDGET** .....75  
Public Hearing Opened.  
Please Limit Your Remarks to 3 Minutes. Public Hearing Closed  
Council Discussion.  
Action- **Discuss** the Fiscal Year 2007-2008 Proposed Budget.

**PUBLIC HEARINGS:**

	<b><u>Time Estimate</u></b>		<b><u>Page</u></b>
12.	10 Minutes	<b><u>UNITED WAY 2-1-1 PROGRAM FUNDING REQUEST</u></b> .....	91
		<b><u>Recommended Action(s):</u></b>	
		1. <b><u>Receive</u></b> Presentation by United Way Representatives; and	
		2. Council <b><u>Discretion</u></b> on Funding United Way's 2-1-1 Call Center for \$5,000.	

***City Council Action***

**PUBLIC HEARINGS:**

	<b><u>Time Estimate</u></b>		<b><u>Page</u></b>
13.	20 Minutes	<b><u>APPLICATION ZA-07-06: TEXT AMENDMENT – RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCS) STANDARDS AND CRITERIA</u></b> .....	119
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <b><u>Motion to Waive</u></b> the Reading in Full of Ordinance.	
		Action- <b><u>Motion to Introduce</u></b> Ordinance by Title Only. (Roll Call Vote)	

***City Council Action***

**OTHER BUSINESS:**

	<b><u>Time Estimate</u></b>		<b><u>Page</u></b>
14.	5 Minutes	<b><u>STATE LAW MANDATED ORDINANCE DESCRIBING THE MORGAN HILL REDEVELOPMENT AGENCY'S NON-PROGRAM TO ACQUIRE REAL PROPERTY BY EMINENT DOMAIN</u></b> .....	183
		<b><u>Recommended Action(s):</u></b> <b><u>Introduce</u></b> the Ordinance by Title Only and <b><u>Waive</u></b> the First and Second Reading of the Ordinance.	
15.	10 Minutes	<b><u>CIVIC CENTER MASTER PLAN AND CONSULTANT AGREEMENT FOR NEW DEVELOPMENT SERVICE CENTER</u></b> .....	189
		<b><u>Recommended Action(s):</u></b> <b><u>Authorize</u></b> the City Manager to Execute the Professional Services Agreement in the Amount of \$316,360 for Development Service Center Interior Design with a \$40,000 Contingency, Subject to Review and Approval by the City Attorney.	

**FUTURE COUNCIL AGENCY-INITIATED AGENDA ITEMS:**

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

***City Council Action***

**CLOSED SESSION:**

**1.**

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Authority Government Code 54957  
Public Employee Performance Evaluation: City Attorney  
Attendees: City Council, City Attorney

City of Morgan Hill  
Regular City Council and  
Regular Redevelopment Agency Meeting  
June 6, 2007  
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**OPPORTUNITY FOR PUBLIC COMMENT**

**ADJOURN TO CLOSED SESSION**

**RECONVENE**

**CLOSED SESSION ANNOUNCEMENT**

**ADJOURNMENT**

**PUBLIC COMMENTS ON ITEMS *NOT* APPEARING ON AGENDA**

Following the opening of Council/Agency business, the public may present comments on items *NOT* appearing on the agenda that are within the Council's/Agency's jurisdiction. Should your comments require Council/Agency action, your request will be placed on the next appropriate agenda. No Council/Agency discussion or action may be taken until your item appears on a future agenda. You may contact the City Clerk/Agency Secretary for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

**PUBLIC COMMENTS ON ITEMS APPEARING ON AGENDA**

The Morgan Hill City Council/Redevelopment Agency welcomes comments from all individuals on any agenda item being considered by the City Council/Redevelopment Agency. Please complete a Speaker Card and present it to the City Clerk/Agency Secretary. This will assist the Council/Agency Members in hearing your comments at the appropriate time. Speaker cards are available on the table in the foyer of the Council Chambers. In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council/Agency. However, it is very helpful to the Council/Agency if speaker cards are submitted. As your name is called by the Mayor/Chairman, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council/Agency Commission are limited to three minutes. We appreciate your cooperation.

**NOTICE**

**AMERICANS WITH DISABILITIES ACT (ADA)**

The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City. If you need special assistance to access the meeting room or to otherwise participate at this meeting, including auxiliary aids or services, please contact the Office of the City Clerk/Agency Secretary at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation. Please make your request at least 48 hours prior to the meeting to enable staff to implement reasonable arrangements to assure accessibility to the meeting.

If assistance is needed regarding any item appearing on the City Council/Agency Commission agenda, please contact the Office of the City Clerk/Agency Secretary at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

**NOTICE**

Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council/Agency Commission at, or prior to the Public Hearing on these matters.

**NOTICE**

The time within which judicial review must be sought of the action by the City Council/Agency Commission which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.